

Meeting:	CMT (Commercial Management Team) and Executive
Meeting date:	12/10/2023
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Portfolio of:	Councillor Jo Coles - Member for Health, Wellbeing and Adult Social Care

Decision Report: RE-COMMISSIONING OF THE REABLEMENT SERVICE IN YORK

Subject of Report

1. The Council of the City of York (“**CYC**”) and Human Support Group Ltd. (“**HSG**”) first entered a Contract on 20th October 2017 for the provision of a Reablement Service (the “**Contract**”) after a full competitive tendering exercise was completed. The Contract has subsequently been varied through additional agreements up to and including 1st April 2024 and has exhausted all available Contract extensions.
2. The Contract is due to expire on 1st April 2024 and this report seeks approval to go out to the market and commence a competitive tender process to reprocur the Reablement Service in York. This will enable CYC to go through a process that is fair, open, and transparent, and will ensure CYC secures value for money and the generally better outcomes for people. This approach will significantly reduce challenges from the market looking to secure future business.
3. Local authorities have a duty to prevent, reduce or delay needs for care and support (Care Act 2014 s2) for all adults including carers; this

means early intervention to prevent deterioration and reduce dependency on support from others. The Reablement Service enables York Council to comply and fulfil this duty. To deliver this duty it is required to have a robust contractual agreement in place to secure the delivery of these services and comply with Council Procedure Rules and Public Contract Regulations 2015 to reduce challenge in a fair, open and transparent process resulting in securing services.

Benefits and Challenges

4. Redeveloping the service specification and contract and approaching the market via a fair, open, and transparent process, reprocurring and securing services has several advantages and disadvantages, and they are outlined in table 1 below with key risks highlighted.

Table 1 – Pros and Cons detail
Advantages (Pros)
<ul style="list-style-type: none"> • The contract has been in place for several years and the Provider market has not been approached to establish if the Council are receiving value for money and is affordable for York Council. • Offers an important opportunity to shape the Reablement Service with a re-developed specification outlining clear expectations of service delivery and better outcomes for our customers. • CYC will be fully compliant with CYC’s Contract Procedure Rules and the Public Contract Regulations 2015 by tendering the Reablement Service on our tender tool YORtender. • Providers will progress through a neutral selection process with clear set obligations and the selection will be made based on a rigorous evaluation of what CYC requires. • The new Contract will have an initial term of 2-years, with an option to extend for up to a further 2-years (1-year, plus 1-year). The newly developed Contract will have initial contract periods, break points and the potential to extend the Reablement Service in line with the extension periods enabling flexible options for CYC. • The Reablement service provided care and support for 720 people for 2022/2023 preventing people going into Residential care and fully supported the Home First Approach.
Disadvantages (Cons)
<ul style="list-style-type: none"> • Tendering services does not mean that there is a guarantee of Providers bidding for the Reablement Service. However, CYC currently has 37 providers delivering similar services and more going through our due diligence processes that may submit bids. • To complete the tendering exercise can be time consuming and will require commitment of staff resources from various departments. The open

procedure will be used that will combine stages of the process and is the fastest procedure to progress.

- If the incumbent Provider is not successful it will take time to establish a new Provider within the intermediate care pathway and familiarise themselves with teams, they will work with. This will be managed through the implementation process.

Key Risks

- Tendering the Reablement Service does not mean that there is a guarantee of Providers bidding for the Reablement Service and this would lead to CYC not providing statutory services in line with the Care Act 2014.
- Timescales to reprocure the Reablement Service are sufficient currently (see **Appendix A - Procurement Timetable**), but if there are delays within the process this may not allow sufficient time to embed the new service if there is a new Provider.
- The Pension Scheme: As this is a second-generation transfer, the Council has an ongoing pension obligation to protect the pension rights of those named individuals that transferred originally from CYC to HSG where they are still in employment with HSG at the time at which the service is transferred to a new Provider.
- This means that the new Provider will need to provide a pension scheme for those named individuals that is broadly comparable to the LGPS, and they ordinarily will do so by applying for admitted body status in the North Yorkshire Pension Fund.

Policy Basis for Decision

5. The Reablement Service enables CYC to meet several policies and priorities such as the Council Plan, which stipulates an important outcome for our population of good health and wellbeing and supports the delivery of key principles for the York Health & Wellbeing Board. See the **Equality Impact Assessment** at **Appendix B** for further supporting detail.
6. The Care Act 2014, section 5 places duties on local authorities to promote the efficient and effective operation of the market for adult care and support. The due diligence process is part of activities that helps the Councils facilitate market shaping duties by onboarding new Providers through a robust vetting process to minimise operational risks and provide good quality services that serve and safeguard our residents.

7. The Commissioning Strategy, Market Sustainability Plan and the 10-year vision 'People at the Heart of Care: adult social care reform paper' clearly outlines that the Council will work with existing and new Providers within the market to provide sustainable, quality and value for money services.
8. NICE guidance (NG74) is a quality standard for Intermediate Care including reablement service delivery. This guideline covers referral and assessment for Intermediate Care and how to deliver the service.

Financial Strategy Implications

9. The Reablement Service continues to build upon our model of early intervention, prevention and reablement. The service is a crucial delivery element of the intermediate care and support pathway. 720 customers accessed the service in 2022/2023. If the Reablement Service was not in place the financial implications based on 33% of people going into higher cost care such as residential services would be an additional cost of £8.3M based on Council rates of £700 per week per person. The costs would increase if there were insufficient care home placements at the Council rates.
 - 9.1 Residential placements will be reduced to a minimum as Home First is our main principle, returning people to their own homes with better outcomes. A Dynamic Purchasing System is being set up for residential placements at the set Council rates of £700 per person per week. This will provide better value for money if residential care is ultimately required. Currently placements can range from £1,000 to £1,700 with some providers not accepting Council rates. Therefore, cost implications for residential placements would decrease between a range of £300 - £1,000 per placement per week. The cost implications for 2% of customers to be placed in residential care at the Council preferred rates of £700 rather than the high rates would save potentially between £218k - £509k.
 - 9.2 The Future Commissioning Model will contribute to efficiencies within the care system as the budget will remain at the current financial envelope of £1,169,100 per annum. The current service is under performing by 25% in terms of delivery hours and the efficiencies for the current budget will be achieved through expanding the current service eligibility criteria and reducing the

exclusion criteria to increase throughput thorough the new contract and better outcomes for people.

- 9.3 The Contract will be for an initial two years with a potential to extend for two further 1-year periods. The budget for the contract and all proposed extensions is £4,676,400 (total budget for four years).

Recommendation and Reasons

10. **Recommendation:** to approve the approach to commission a reablement service through a competitive tendering process.
- 10.1 **Reason:** The option proposed will comply with CYC's Contract Procedure Rules in terms of completing an open, fair, and transparent process as the market has not been approached since 2017. The procurement procedure is subject to the Light Touch Regime under the Public Contracts Regulations 2015 and will be completed as an Open Procurement Procedure and within the timescales in **Appendix A**. The Open Procurement Procedure timetable will enable this to be completed prior to the expiry date of the current waiver.
- 10.2 **Reason:** The provision of Reablement Services reduces the need for more costly residential care home services whilst maintaining peoples' independence via a short-term intervention enabling them to return home. The recommission of this service creates the potential to enhance the service with the inclusion of an Occupational Therapist at the front door determining the level of care and support, equipment and technology required to maximise customers independence, whilst increasing throughput through the service maximising the use of the Councils financial envelope and ultimately reducing the number of expensive residential care placements and better outcomes for people.
- 10.3. **Recommendation:** To delegate authority to the Corporate Director of Adult Services and Integration ("**DASS**"), in consultation with Chief Finance Officer (151 Officer) to determine the provisions of the new Contract, and to award and conclude the final Contract following the competitive tendering process.
- 10.4 **Reason:** This will enable the Contract Award to be implemented within the timescales outlined in **Appendix A**.

Background

11. CYC and other Local Authorities have a statutory duty to provide Reablement Services for its residents under the Care Act 2014 (Care

Act 2014 s2). The main principle of the Care Act 2014 is to help to improve people's independence and wellbeing and for care providers and carers to promote a person-centred approach to the care and support they provide. This means early intervention to prevent deterioration and reduce dependency on support from others. Reablement is one of the ways that York Council can fulfil this duty.

12. Reablement services are provided by our current Provider HSG and are a time-limited, for up to a maximum of six weeks. Reablement is a short-term intervention to reablement/rehabilitation/recovery to help.
 - People remain independent at home (Home First Approach) and can be step-up services, aiming to provide the necessary support to prevent any further deterioration in people's health that could lead to a hospital stay.
 - Assist in enabling people to return home after a stay in hospital by regaining their confidence and independence.
 - 720 customers received the Reablement Services in 2022/2023 enabling them to return Home significantly reducing the need of higher costs services such as Residential care.
 - 98% remained at home following short term intervention.
 - Currently the service provides support for people over 18yrs and over, majority of people who use the service are 65 years plus
 - Contract is managed weekly to ensure flow and maximising capacity.
 - In reach OT supporting care planning. (this is not currently part of the contract)

13. CYC and HSG first entered a Contract on 20th October 2017 for the provision of a Reablement Service. This Contract has subsequently been varied through additional agreements up to the 1st April 2024 and has exhausted all potential Contract extensions. To avoid challenges from the market and to comply with CYC's Contract Procedure Rules and Public Contract Regulations 2015 by tendering the service on our electronic tender website called YORtender

14. The new contract will have an initial term of 2 years, with an option to extend for up to a further 2 years (1 plus 1). The new eligibility criteria will be based on need rather than condition ensure an equality access to services.
15. We also want to ensure that most people being discharged from hospital have the opportunity of rehabilitation before long term packages of care are commissioned. This aligns with our pledge to support people to remain independent in their own community. The new contract specification will support social value by ensuring local communities are supportive through voluntary opportunities and apprenticeships.
16. We will also ensure that the new contract aligns with wider intermediate care offers ensuring people access the right services and the right time.
17. The newly developed contract will have initial contract periods, break points and the potential to extend the service in line with the extension periods enabling flexible options for the Council. This option will also provide sufficient time at exploring other models of delivery and insourcing solutions.

Budget

18. The current Contract commissions a total of 839 hours a week and stipulates as a Key Performance Indicator that 647 hours a week are to be delivered and the remaining 192 hours support TUPE costs from externalising the service. A **Performance Report** (see **Appendix C**) provides further analysis of current service performance. As part of this Contract, TUPE costs are paid within the Contract spend to support the staff that transferred from CYC when the service was outsourced to the market in October 2017. These monies pay for CYC conditions and pension contributions that were transferred with the staff.
19. The rate that is currently paid per hour for the Reablement Service is £25.79, and the remaining budget supports other overheads and costs associated with the Reablement Service. Our current budget for 2023/2024 is £1,169,100.00. **Table 2** demonstrates the budget distribution:

Table 2 - Level of Spend for Areas of Contract Delivery			
Area	Hours	Cost per week	Cost per year
Service delivery	647	£16,686.13	£867,678.76
Other associated costs and Overheads	n/a	n/a	£301,421.24
	TOTAL BUDGET 23/24		£1,169,100

20. The Contract delivery has not reached the 647 hours target for the lifetime of the Contract explained in the **Performance Report** (see **Appendix C**). Further analysis was completed for a 24-week period from January 2023 – June 2024.
21. The total delivery target for the 24-week period analysed (January – June 2023) was 15,528 hours and actual delivery was 11,555 a shortfall of 3,973. The shortfall in hours for 24 weeks is at a total cost of £102,463.67. The lowest level of hours delivered is 406 and the highest 527, with an average of 481 hours delivered.
22. The contract was outsourced originally therefore, there will be TUPE implications when approaching the market. Updated TUPE information has been requested to provide information regarding the level of spend.
23. The Reablement service is fully funded by the Better Care Funds and any changes in budget need to go the BCF Board. A savings target would need to be agreed prior to the service being tendered. See Section 27 of this report for financial implications.

Consultation Analysis

24. The **Voice of the Customer Report** (see **Appendix D**) provides additional analysis of the responses received from surveys. Of the responses to our survey, 54% were residents, patients, or customers, 14% were informal carers, family member or friend. Of those that responded 45% had experienced the Reablement Service and 50% are very likely to recommend the Reablement Services and 23% are likely resulting in a total of 73% that were likely to recommend services to their friends and family.

25. Feedback was analysed into Themes to enable them to be utilised to shape future services. The themes were as follows:

Theme	Quotes
Information and guidance	‘It’s not at all clear whether you need a referral to the service or if can just ring up and request help’.
Home First Visits	‘I saw Carer a lot of times she said let’s work together to improve help together’.
Staff	‘I felt really well supported in caring for my very frail 99 year old mum after her time in hospital’.
Communication and multiple Reablement	‘Reablement is a perfect way for Customers to gain independence’.
About me. Strength Based/Circles of Care	‘Discussed preparing meals, medication, discussed any issues’.
Technology and equipment	‘My Legs are very weak due to having M/S for lone time, so am unable to stand only with gutter frame to walk’.

26. **Future Commissioning**

Our ambition is to support more people through Reablement to support independence and reduce reliance on long term care delivering our Home First outcomes. The current Reablement Service requires developments in several key areas for the new commission to address gaps in the current service provision identified by Health, Social Care Professionals, and customers.

27. The Home First Partnership board has established a task and finish group to review the ‘One Team’ approach in terms of early intervention and prevention. Going forward the inclusion of several professionals and practitioners from different areas of expertise to work together to enable the better coordination of care, equipment, assisted technology and other services commissioned. The inclusion of an Occupational Therapist at the front door (in the ‘One Team’) will be crucial in

determining the care and support required for individual customers and providing guidance to a range of professionals.

28. The Venn report 'Early Intervention & Prevention in York' stated 'Housing, equipment and adaptations form a vital component of any effective system but, in York, these elements are not fully integrated into the overall journey of care'. To achieve this closer working relationships with key services such as our Falls Prevention Service, our Independent Service (equipment), Assisted Technology provision and other commissioned services at the front door will enable customers to access the right services to enable them to return home at the earliest opportunity.
29. Venn also identified that 'there are multiple entry points to services and there isn't a system-wide oversight of capacity which creates the risk of unwanted variation in journeys of care'. Reviewing and expanding the membership of the 'One Team' to include Occupational Therapists, Providers, Voluntary Sector and other key professionals will provide a solution focused approach.
30. It is crucial that the workforce employed by the successful Provider is multi skilled and trained to support people with Dementia, Mental Health, Neurodiversity and Learning Disabilities.

31. **Future Commissioning Model**

To achieve our ambitions the future Commissioning Model will need improvements in several areas to obtain better value for money and meet changes in the needs and demands for our population. The new contract will delivery support in various ways moving away from traditional models of reablement to an independent therapy led model, based on need and negating the use of eligibility criteria's, which in some aspects result is silo working and inequalities in access. Through this new delivery model, we are looking to offer reablement as a first option of care and support. Using resources from both Health and Social care and to reduce duplication in the system.

- A workshop was held in August 2023 with our Health Partners, Voluntary Sector, and other Partners to review the services we all commission. This workshop resulted in identifying more opportunities to work collaboratively and to co-produce specifications, how collectively we want to measure services and

the data we as Partners want to collect in terms of performance whilst ensuring the new service meets needs.

- As part of this workshop a Single Point of Access (SPA) was jointly discussed and agreed that this integrated approach would use the current expertise and resource from Health, Social Care and other partners working together with one goal, the Health and Wellbeing of our residents. A range of options were explored, and the groups discussions continue with the aim of setting up an enhanced 'One Team partnership approach'. The discussions resulted in identifying additional professionals to work collectively on referrals for packages of care. Additional professionals collectively agreed to date include Occupational Therapist, Provider, Care Co-Ordinator, Brokerage along with the existing Health and Social team known as the 'One Team'. This will enable an Intermediate Care and Reablement seamless approach to delivery for Health and Social Care. Enabling timely discharge from hospital to home by identifying collectively the right support and services required to support customers, streamline, and simplify the customer journey through having MDT knowledge, Provider information and capacity at the point of referral reducing and preventing multiple interventions where not required enabling a higher throughput through the Reablement Service.
- The SPA team will have a person-centered Home First approach maximising the use of preventative services, technology, and equipment to keep people safe and at home. Falls Services, Technology and Equipment (Independent) services and signposting to community support services through our Local Area Co-Ordinator's (LACS) and Voluntary Sector services to provide support for better outcomes, reduce isolation and improve wellbeing for people returning home. We are aiming for all people on pathway 1-2 to be discharged home with reablement, intermediate care services and link in with other appropriate services to meet people's needs. We want to move away from a model of care to ensure people receive an Occupational Therapist assessment to maximise the home environment, therefore reducing the risk of creating a dependency on statutory care.
- There will be set contractual requirements for all staff in the Reablement Services workforce to be trained to care and support people with low level Mental Health, Learning Disabilities, Autism, Neurodiversity, and early onset Dementia to help people to return

home into their own familiar surroundings reducing the need for higher level costly services such as residential or specialist care.

- There will also be a requirement for staff to have Human Rights and Equality training to understand the importance of human rights and equality in the delivery of the service and ways in which they can support it. People should be able to discuss their preferences and make choices in how and when their care is delivered, breaking down any barriers in communication to enable this. A care and support relationship centred on promoting human rights and equality ensuring that decisions are made together which helps individual lead a dignified and fulfilling life, free from discrimination.
- Reablement service employs a number of staff who live and work in York that benefits our economy and who are responsive to customer needs when they deliver services as they know the area, they work in. In addition, the SPA will enable the resources available to be utilised efficiently and effectively delivering person centred services supporting individuals' well-being whilst preserving their management of their own health. As part of our commitment to support social value within contract; we will ensure all contracts offer volunteering opportunities, supporting local colleges regarding apprenticeships as well as supporting peer to peer support in reablement particularly for people with Autism and Mental Health needs. Commissioners would like any potential provider to be aware of environmental issues around reducing carbon emissions and support wider environmental options of transport for staff, such as subsidising nonvehicle related options such as bicycles etc.
- The Commissioning Model will contribute to efficiencies within the care system reducing the use of higher cost crisis care services such as residential care and enabling people to maintain their independence at home (Home First). Residential care costs can range between £1000 - £1,600 a week per person compared to £23.58 an hour Home Care services.

Options Analysis and Evidential Basis

32. The option to approve the approach to market to complete a competitive tendering process to secure a Reablement Service for York is fully supported by the **Equality Impact Assessment (see Appendix D)** as it shows that the impact on customers would be minimal and a positive step in most areas as specifications and other documentation would benefit from being reviewed and improved to meet need.

33. Compliance with CYC Procedure rules and Public Contracts Regulations 2015 would reduce any challenges from the market and provide an important opportunity of improving services.
34. Performance of the new Contract will continually improve with robust Contract Management and the continuation to work with the Provider to implement strategies to meet targets set in the Contract, see **Appendix C - Performance Report** for further background and mitigations.
35. The points above fully support the option to go to the market and tender the service as this would fulfil several key policies and priorities for our population for the reasons outlined above.

Organisational Impact and Implications

36. Financial Implications

The current budget for the reablement service is £1,169.1k p.a. It should be noted that the service is funded by the Better Care Fund (BCF) not by Council budgets, and as such any saving made on the contract would be returned to the BCF Board for a decision about how it should be used.

As outlined in Paragraph 17 the average hours of care provided between January and June 2023 was 481 which exceeds the hours contracted, however through setting clear timescales, flow of people through the contract, specific KPIs we feel that the current financial envelope is sufficient to support the changes we wish to make and provide better outcomes for people.

37. Human Resources (HR) Implications

The Pension Scheme: As this is a second-generation transfer, the Council has an ongoing pension obligation to protect the pension rights of those named individuals that transferred originally from CYC to HSG where they are still in employment with HSG at the time at which the service is transferred to a new Provider.

This means that the new Provider will need to provide a pension scheme for those named individuals that is broadly comparable to the LGPS, and

they ordinarily will do so by applying for admitted body status in the North Yorkshire Pension Fund.

38. Legal Implications

Statutory Duties

The procurement of a new Contract is necessary for us to comply with our statutory duties under the Care Act 2014, ss 2 and 5:

Section 2 - Preventing needs for care and support

A Local Authority must provide or arrange for the provision of services, facilities, or resources, or take other steps, which it considers will: -

- *Contribute towards preventing or delaying the development by adults in its area of needs for care and support;*
- *contribute towards preventing or delaying the development by carers in its area of needs for support;*
- *reduce the needs for care and support of adults in its area; and*
- *reduce the needs for support of carers in its area.*

In performing that duty, a local authority must have regard to: -

- *the importance of identifying services, facilities, and resources already available in the authority's area and the extent to which the authority could involve or make use of them in performing that duty;*
- *the importance of identifying adults in the authority's area with needs for care and support which are not being met (by the authority or otherwise);*
- *the importance of identifying carers in the authority's area with needs for support which are not being met (by the authority or otherwise).*

Section 5 - Promoting diversity and quality in provision of services

A local authority must promote the efficient and effective operation of a market in services for meeting care and support needs with a view

to ensuring that any person in its area wishing to access services in the market: -

- has a variety of providers to choose from who (taken together) provide a variety of services;*
- has a variety of high-quality services to choose from;*
- has sufficient information to make an informed decision about how to meet the needs in question.*

(1) In performing that duty, a local authority must have regard to the following matters in particular: -

- a. the need to ensure that the authority has, and makes available, information about the providers of services for meeting care and support needs and the types of services they provide;*
- b. the need to ensure that it is aware of current and likely future demand for such services and to consider how providers might meet that demand;*
- c. the importance of enabling adults with needs for care and support, and carers with needs for support, who wish to do so to participate in work, education, or training;*
- d. the importance of ensuring the sustainability of the market (in circumstances where it is operating effectively as well as in circumstances where it is not);*
- e. the importance of fostering continuous improvement in the quality of such services and the efficiency and effectiveness with which such services are provided and of encouraging innovation in their provision;*
- f. the importance of fostering a workforce whose members are able to ensure the delivery of high-quality services (because, for example, they have relevant skills and appropriate working conditions).*

(2) In having regard to the matters mentioned in subsection (2)(b), a local authority must also have regard to the need to ensure that sufficient services are available for meeting the needs for care and support of adults in its area and the needs for support of carers in its area.

- (3) *In arranging for the provision by persons other than it of services for meeting care and support needs, a local authority must have regard to the importance of promoting the well-being of adults in its area with needs for care and support and the well-being of carers in its area.*
- (4) *In meeting an adult's needs for care and support or a carer's needs for support, a local authority must have regard to its duty under subsection (1).*

Procurement & Contract Law Implications

Any procurement exercise for the new Contract must be carried out in under a compliant, open, transparent, and fair procedure in accordance with the Public Contract Regulations 2015 and CYC's Contract Procedure Rules. Further advice regarding the procurement process and documentation must be sought from Commercial Procurement (see paragraph 25(d) of this Report below).

An appropriate form of contract will need to be drafted and completed with support from Legal Services.

Should there be any delay to the procurement for the new Contract, there are no available extensions beyond 1st April 2024 under the current Contract. Should it therefore become necessary to extend the current Contract to allow the Council time to complete its re-tender, then this will require a variation in accordance with both the Council's Contract Procedure Rules and Regulation 72 of the Public Contract Regulations 2015, and a further waiver of the Contract Procedure Rules. Further guidance must also be sought from Legal Services and Commercial Procurement under such circumstances, with enough lead-in time prior to 1st April 2024 (e.g., from 31st December 2023) to commence work on such a waiver and extension if required. The Client Department have already been advised that given the number of extensions via a waiver previously entered the risk of challenge to a further extension via a waiver has increased significantly, and so further extension by waiver must be avoided wherever possible.

With regards to the current Contract, any procurement strategy must factor in the relevant exit provisions under the current Contract, including (but not limited to):

- Clauses 3.2 to 3.4 (Contract Period – Extension Periods (should the procurement become delayed (see above))).

- Clauses 10.9 to 10.14 (TUPE - Exit Provisions)
- Clause 20 (Effect of Termination)
- Schedule 4 (Exit Management)

Relevant advice from Legal Services and other officers (e.g., HR in relation to TUPE (see paragraph 25(b) of this Report above) should be sought on any relevant provisions of the current Contract.

Property Law Implications

The Client Department has confirmed to Legal Services that at present no CYC-owned premises are used by HSG to deliver the Reablement Service.

Further, the successful Provider following award of the new Contract will be responsible to supply the property from which to deliver the Reablement Service within the budget sent out in the tender documents.

CYC will not be transferring or leasing any CYC-owned premises to the Provider of the Reablement Service alongside the new Contract.

As such, there are no Property Law implications in relation to this Report.

However, should the Client Department amend its strategy, and decides to make any CYC-owned property available to the provider of the Reablement Service, then Property Lawyers in Legal Services and colleagues in Property Services must be consulted at the earliest opportunity.

39. *Procurement Implications*

The Reablement Service procurement exercise for the new Contract must be carried out in an open, transparent, compliant and fair procedure in accordance with the applicable legislation of the Public Contract Regulations 2015 and also our internal rules CYC's Contract Procedure Rules (January 2023). The estimated contract value for the Reablement Service for 2023/24 is stated as £1,169,100 and therefore exceeds the current Light Touch Regime (LTR) threshold of £663,540 which is applicable to Health and Social Care contracts. Therefore, the Public Contract Regulations 2015 stipulates that where a contract exceeds the LTR threshold a Contract Notice must

be published in the public domain i.e., the website Find a Tender, to invite competitive tenders and ensure the evaluation and award of the contract follow the principles of equal treatment and transparency.

The Council of the City of York (“CYC”) awarded the Reablement Service contract on 20th October 2017 following an advertised competitive tendering exercise which was awarded. This contract has been varied through additional agreements up to and including 31st of March 2024 and has exhausted all available contract extensions. Therefore, there are no further extension options available for this current contract and in order to comply with the Public Contract Regulations 2015 and also our internal rules CYC’s Contract Procedure Rules (January 2023) and ensure the Council is achieving Value for Money a competitive tendering exercise must be advertised to invite suitable bidders to submit competitive tenders.

The Commercial Procurement team will support commissioning colleagues to prepare the procurement documentation and work with Legal Services, Finance to draft an appropriate form of contract and the evaluation methodology and criteria to assess quality and price to identify the bidder that represents the Best Value to the council for the award of the new Reablement Services contract.

40. ***Health and Wellbeing Implications***

CYC public health is in support of this proposal for the recommissioning of the reablement service. Reablement provision in city makes an important contribution to sustaining the independence of residents, reducing avoidable pressures on NHS and social care services and generally better outcomes for people.

41. ***Equalities and Human Rights Implications***

CYC recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority’s functions).

An **Equalities Impact Assessment** has been carried out and is annexed to this report at **Appendix B** In summary, the result of the assessment is set out findings from EIA.

The impact of the proposals on protected characteristics has been considered as follows:

- Age – Positive/High;
- Disability – Positive/Medium;
- Gender – Positive/Low;
- Gender reassignment – Positive/Low;
- Marriage and civil partnership – Positive/Low
- Pregnancy and maternity – Positive/Low
- Race – Positive/Low
- Religion and belief – Positive/Low
- Sexual orientation – Positive/Low
- Other socio-economic groups including:
 - Carer - Positive/Medium (see Disability);
 - Low-income groups – Positive/Medium;
 - Veterans, Armed Forces Community– Positive/Low

42. *Data Protection and Privacy Implications*

DPIAs (Data Protect Impact Assessment - **Appendix E**) are an essential part of our accountability obligations. Conducting a DPIA is a legal requirement for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals. Under UK GDPR, failure to conduct a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines. A DPIA is a ‘living’ process to help manage and review the risks of the processing and the measures the service area(s) have in place on an ongoing basis. It will need to be kept under review and reassess if anything changes.

The DPIA “screening questions” identified there will be processing of personal data, special categories of personal data and / or criminal offence data in the procurement of the Reablement Service and the ongoing provision of this service and so a DPIA is required as part of the ongoing project/ plan/ procurement

The DPIA will help to:

- systematically analyse, identify, and minimise the data protection risks of this project
- assess and demonstrate how we comply with all our data protection obligations.
- minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what we want to achieve.

43. **Communications Implications**
No implications

44. **Affordability Implications**
Implications are included in the Equality Impact Assessment **(Appendix B)**

Risks and Mitigations

45 Risks and Mitigations are detail below in **Table 3** below:

Table 3 – Risks and Mitigations	
Risk	Mitigation
Tendering services does not mean that there is a guarantee of Providers bidding for the Reablement Service and this would lead to CYC not providing statutory services in line with the Care Act 2014.	CYC currently contracts with 37 providers who provide similar services with more Providers coming through our due diligence process. Providers have verbally expressed an interest for the service being recommissioned. A notice will go out to our existing service providers, out to the Independent Care Group and out via out YORtender service to advertise widely.
Timescales to reprocure the Reablement Service are sufficient currently (see Appendix A) Procurement Timetable) but if there are delays within the process this may not allow sufficient time to embed the new service if there is a new Provider.	A Procurement timeline (see Appendix A details activities and timescales to enable the service to be in place by 1 st April 2024 when the current Contract expires. Buy in from all departments involved in the delivery of this project are fully on board.

CYC have an ongoing pension obligation to protect the pension rights of those named individuals transferring to a Provider. This means that the Provider will need to provide a pension scheme for those named individuals that is broadly comparable to the LGPS, and they ordinarily will do so by applying for admitted body status in the North Yorkshire Pension Fund.	The Pension obligations will be clearly articulated in tendering and Contractual documents. Procurement, Commissioning, Contracts and Pension colleagues are aware that this is a requirement of the Provider who is awarded this Contract.
Resource implications for various departments to enable this project to be successfully delivered.	Buy in will be secured and departments are aware of this activity and the implications on resource.

Wards Impacted

45. All wards will be impacted as this service is provided for all areas in York. The **Equality Impact Assessment** in **Appendix B** provides details of the potential impacts and how this will be managed whilst this service is tendered and implemented.

Contact details

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Appendix List

Appendix A – Procurement timescales

Appendix B – Equality Impact Assessment (EIA)

Appendix C – Reablement Performance Report

Appendix D – Voice of the Customer Report

Appendix E – Data Protection Impact Report – currently being developed